

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv215**

**MARGARET L. JONES,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER OF REMAND**

**THIS MATTER** is before the Court on the Plaintiff's Motion for Judgment on the Pleadings [Doc. 16] and the Defendant's Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand of the Cause to Defendant [Doc. 20].

The parties agree that the appropriate disposition of this case is reversal and remand pursuant to Sentence Four of 42 U.S.C. Section 405(g) [Doc. 11]. Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a

rehearing." The parties here have moved for reversal of the decision of the Defendant and for remand for further administrative proceedings. Specifically, the parties seek remand for a new hearing and the consideration of additional evidence.

Upon remand to the Commissioner, the Appeals Council shall assign this case to a new administrative law judge (ALJ). The Appeals Council will instruct the new ALJ to: (1) conduct a new hearing; (2) evaluate the state agency psychological consultant's opinion; (3) provide "paragraph B" criteria findings which reference evidence in the record; (4) re-evaluate the Plaintiff's mental residual functional capacity; (5) obtain supplemental vocational evidence; (6) proceed through the sequential evaluation and (7) issue a new decision. The Court finds remand is appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Defendant's Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. §405(g) with Reversal and Remand of the Cause to Defendant [Doc. 20] is hereby **GRANTED**.

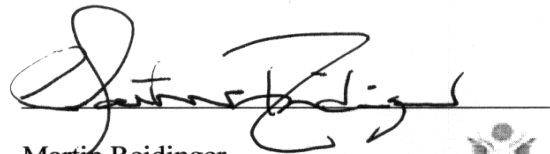
**IT IS FURTHER ORDERED** that the Plaintiff's Motion for Judgment on the Pleadings [Doc. 16] is hereby **DENIED** as moot.

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

**IT IS FURTHER ORDERED** that upon remand, the Commissioner shall comply with the directives contained within this Order.

The Clerk of Court shall enter separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: September 13, 2012

  
Martin Reidinger  
United States District Judge

